

REMARKS/ARGUMENTS

Summary

In this Office Action, claims 19, 20, 23, 29, and 41 were objected to; however, Examiner indicated that the claims would be allowable in rewritten in independent form. In response, Applicant has rewritten the claims and thus the claims now stand in allowable form.

In addition, claims 1-18, 21, 22, 24-28, 30-40, and 42-48 were rejected. Claims 1-14 and 16 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,671,262 issued to Kung et al (hereinafter "*Kung*") in light of U.S. Patent No. 6,807,564 issued to Zellner et al (hereinafter "*Zellner*"). Claims 15, 17, 18, 21, 22, 24-28, 30-40, and 42-48 were rejected under § 103 as being unpatentable over *Kung* and *Zellner* and further in view of U.S. Patent No. 6,091,857 issued to Shaw et al (hereinafter "*Shaw*"). In response, claims 1, 21, and 35 have been amended without introducing new matter, placing said claims and claims 2-18, 22, 24-28, 30-40, and 42-48 depending therefrom in condition of allowance.

Rejections under § 103: *Kung/Zellner*

In the Office Action, claims 1-14 and 16 were rejected under § 103 as being unpatentable over *Kung* in view of *Zellner*. In response and as noted above, independent claim 1 has been amended thereby placing claim 1 and claims 2-14 and 16 depending therefrom in condition of allowance.

Claim 1, as amended, recites:

a dataconferencing appliance for use at a local site to facilitate a dataconferencing session between the local site and at least one geographically distant remote site, the local and remote sites being accessible via a shared voice call network and a shared data network, the remote site having a remote dataconferencing appliance connected to the voice call network and the data network, at least one of the local and remote sites having an image source for producing image data representative of an image, and the local site having a local display device for displaying the image at the local site, the

dataconferencing appliance comprising:

- a telephone adapter for connecting a telephone receiver to the voice call network so that a voice call session can be established between the telephone receiver and the remote site via the voice call network, the telephone adapter including circuitry for monitoring the voice call session and for transmitting signals within the voice call session;

- a network interface for connecting the dataconferencing appliance to the data network;

- a dataconference control unit connected to the telephone adapter and the network interface, the dataconference control unit adapted for communication with the local display device, the dataconference control unit implementing a negotiation procedure that obtains a network access code and causes the telephone adapter to generate and transmit within the voice call session a signal representative of the network access code for receipt by the remote dataconferencing appliance,

- the dataconference control unit being responsive to receipt at the telephone adapter of a remote signal transmitted from the remote dataconferencing appliance within the voice call session, the remote signal representing a remote network access code, and to establish a data communication session, parallel to the voice call session, between the local and remote sites via the data network using the remote network access code, when received, thereby enabling image data to be transmitted between the local and remote sites over the data network for display via the local and remote display devices; and

- a housing adapted to incorporate the telephone adapter, the network interface, and the dataconference control unit into an integrated dataconferencing appliance.

(emphasis added). Thus, when viewed in whole, claim 1 is directed to a novel integrated dataconferencing appliance for establishing, though a voice call session, a parallel data communication session to enable transmission of image data between conference participants, the voice call resuming using telephone receivers at each site.

In contrast, *Kung* relates to a broadband communication system that includes one or more conference servers for combining IP packet streams in a conference call into a combined IP packet stream. See *Kung*, abstract. Thus, *Kung* cannot be said to disclose a dataconferencing appliance for establishing a data communication session, parallel to the voice call session, between local and remote sites via the data network using a remote network access code.

Zellner fails to remedy the foregoing deficiency of *Kung*. *Zellner* relates to a device for requesting emergency assistance having a built-in panic button, the activation of the panic button by the user results in the device automatically transmitting one or more TCP/IP messages over the Internet to an emergency service center (ESC) requesting emergency help and identifying the user requesting such a help. See *Zellner*, abstract. However, *Zellner* nowhere discloses a dataconferencing appliance for establishing a data communication session, parallel to a voice call session, between local and remote sites via a data network to enable transmission of image data between conference participants. Rather, *Zellner* appears at best to disclose either a single network connection between a requester and the ESC (see *Zellner* 9: 22-27), or sequential connections between a requester and a carrier network and then between a carrier network and the Internet (see *Zellner*, Fig. 3; 5:48-64). Thus, for at least the foregoing reason, *Zellner* cannot be said to remedy the deficiency of *Kung*.

For at least the above reasons, Applicant submits that *Kung* and/or *Zellner* individually or in combination do not teach each and every feature of claim 1.

Claims 2-14 and 16 depend from and add additional features to independent claim 1. Therefore, by virtue of their dependency, claims 2-14 and 16 are also patentable over *Kung* in view of *Zellner*.

Rejections under § 103: *Kung/Zellner/Shaw*

In the Office Action, claims 15, 17, 18, 21, 22, 24-28, 30-40, and 42-48 were rejected under § 103 as being unpatentable over *Kung* in view of *Zellner* and further in view of *Shaw*.

Regarding claims 15, 17, and 18, said claims depend from and add additional features to claim 1. The deficiencies of *Kung* in view of *Zellner* with respect to claim 1 as described above are not cured by the teachings of *Shaw*. Therefore, by virtue of their dependency, claims 15, 17, and 18 are patentable over *Kung* even if combined with *Zellner* and *Shaw*.

Regarding independent claim 21, said claim, as amended, has similar features as claim 1. The deficiencies of *Kung* in view of *Zellner* with respect to claim 1, as well as with respect to claim 21, as described above are not cured by the teachings of *Shaw*. Therefore, for at least the same reasons that claim 1 is patentable over *Kung* in view of *Zellner*, claim 21 is patentable over *Kung* even if combined with *Zellner* and *Shaw*.

Claims 22, 24-28, and 30-34 depend from and add additional features to claim 21. Therefore, for at least the same reasons that claim 21 is patentable over *Kung* in view of *Zellner* and in further view of *Shaw*, claims 22-34 are also patentable over *Kung* even if combined with *Zellner* and *Shaw*.

Claim 35, as amended, recites, in substance, the same limitations discussed earlier for claim 1. Accordingly, for at least the same reasons, claim 35 is patentable over *Kung* in view of *Zellner*. Further, *Shaw* does not remedy the above discussed deficiencies of *Kung* in view of *Zellner*; therefore, claim 35 remains patentable over *Kung* even if combined with *Zellner* and *Shaw*.

Claims 36-40 and 42-48 depend from and add additional features to claim 35. Therefore, by virtue of their dependency and for at least the same reasons that claim 35 is patentable over *Kung* in view of *Zellner* and in further view of *Shaw*, claims 36-40 and 42-48 are also patentable over *Kung* even if combined with *Zellner* and *Shaw*.

CONCLUSION

In view of the foregoing, the Applicant respectfully submits that claims 1-48 are in a condition for allowance. Early issuance of Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,
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